Variance from Section 255.1	(s) of the property situate in Baltimore County and which is lat attached hereto and made a part hereof, hereby petition for a (238.1) to allow a front yard setback of 9 feet in lie
of the required 25 feet and	d (238.2) to allow a side yard setback of 7 feet in li
_of the required 30 feet,	
of the Zoning Regulations of Baltim fellowing reasons: (indicate hardsh	nore County, to the Zoning Law of Baltimore County; for the nip or practical difficulty)
The position of the existing	ng residence.
D	
Property is to be posted and	advertised as prescribed by Zoning Regulations.
petition, and further agree to and a Baltimore County adopted pursuant	s of above Variance advertising, posting, etc., upon filing of this are to be bound by the zoning regulations and restrations of to the Zoning Law For Baltimore County.
	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Andy Hill (Type or Print Name)
Signature	andy Hell
Signature	Signature Se 3
Address	(Type or Print Name)
City and State	Signature //
Attorney for Petitioner:	o-Briature .
(Type or Print Name)	4065 North Point Road
•	Address Phone No.
Signature	Balto., Md. 21222 City and State
Address	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted
Oity and State	
*	Name
Attorney's Telephone No.:	Address Phone No.
ERED By The Zoning Comm	nissioner of Baltimore County, this6th day
require 3by the Zoning Law of Balting Du Balting County, that property becomes some of Baltimore County	in, that the subject matter of this petition be advertised, as more County, in two newspapers of general circulation throughout posted, and that the public hearing be had before the Zoning in Room 106, County Office Building in Towson Baltimore
County on the18th	_ day ofMarch, 19_85_, at _10:30 o'clock
A N	
7	Call Jable
	Zoning Commissioner of Baltimore County.
a	(over)
age was	

PETITION FOR SPECIAL EXCEPTION 85-251-1/A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Service Carage Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: (Type or Print Name) (Type or Print Name) (Type or Print Name) City and State Attorney for Petitioner: 4065 North Point Road Balto., Md. 21222 477-1684 City and State Name, address and phone number of legal owner, con-City and State Attorney's Telephone No.: ORDERED By The Zoning Commissioner of Baltimore County, this _____6th_____ day ----, 19_85_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout caltimore County, that property be posted, and that the public hearing be had before the Zoning Connectissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

ZONING PLANS ADVISORY COMMITTEE PETITION AND SITE PLAN

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Arnold Jablon TO Zoning Commissioner Date March 11, 1985

Norman E. Gerber, Director FROM Office of Planning and Zoning

No. 85-251-XA

Please consider the comments of the Division of Current Planning and Development's representative on the Zoning Plans Advisory Committee and the Chesapeake Bay Critical Area Comments (2/13/85) to be this office's comments on this petition.

Norman E. Gerber, Director Office of Planning and Zoning

NEG/JGH/sf

SUBJECT Andy Hill

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P. E. DIRECTOR

February 12, 1985

District: 15th

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

Re: Item #185 (1984-1985) Property Owner: Andy Hill N/W cor. North Point Rd. and New Battle Grove Rd. Acres: .81

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

North Point Road (Md. 20) is a State Road. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

East Battle Grove Road is proposed to be further improved in the future as a 30-foot closed section roadway on a 50-foot right-of-way, with fillet areas for sight distance at the North Point Road intersection.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The Developer is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Item #185 (1984-1985) Property Owner: Andy Hill February 12, 1985

Storm Drains: (Cont'd)

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

Public water supply and sanitary sewerage exist in East Battle Grove Road and North Point Road.

JAM:EAM:FWR:ss

E-SW Key Sheet 11 & 12 SE 29 Pos. Sheets SE 3 H Topo 104 Tax Map

RE: Item No. 185 - Case No. 85-251-XA Petitioner - Andy Hill Special Exception & Variance

February 25, 1985

Bureau of Engineering Department of

Nicholas B. Commodari

Chairman

MEMBERS

Traffic Engineering State Roads Commission Bureau of Fire Prevention Realth Department Building Department Board of Education Zoning Administration

Project Planning

industrial

Development

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the approtateness of the zoning action requested, but to assure regard to the development plans of plans or problems with this case. The Director of Planning may file a written as to the suitability of the requested zoning.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be filing on the hearing file. This petition was accepted for hearing scheduled accordingly.

Very truly yours.

Keholas B. Conneder NICHOLAS B. COMMODARI Chairman

Zoning Plans Advisory Committee

Enclosures

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. Andy Hill
4065 North Point Road

Dear Mr. Hill:

Baltimore, Maryland 21222

cc: Frank S. Lee 1277 Neighbors Avenue Baltimore, Maryland 21237

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this day of February, 1985.

Zoning Commissioner

Chairman, Zoning Plans Advisory Committee

Pursuant to the advertisement, posting of property, are public hearing on the Petition and it

appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon 'he Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this ---, 19----, that the herein Petition for Variance(s) to permit

the little of the late of the period of the

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations



Maryland Department of Transportation

William K. Helimann Hal Kasseff

January 18, 1985

Mr. A. Jablon County Office Bldg. Towson, Maryland 21204 Att: N. Commodari

Re: Baltimore County ZAC meeting 1/9/85 Item 185 Property Owner: Andy Hill Location: N/W corner North Pt Rd (Rte 20) and New Battle Grove Rd Existing zoning: M.L.-CS1- M.L.-IM-B.R.-CS1 Proposed Zoning: Special Exception for a service garage. Variance to allow a front yard setback of 7 feet in lieu of the reg. 30 ft. Acres: .81

District: 15th

Dear Mr. Commodari,

On review of the submittal of 12/5/84 and field inspection the State Highway Administration will require the plan to be revised.

The revised plan must show a 25' entrance, with 10' radii established 27' south of the north property line. S.H.A. Type "A" concrete curb and gutter must be constructed along the Route 20 frontage.

A distance of 20' from the centerline of North Point Road to the face of the proposed curb and 30' radius at the New Battle Grove intersection must be shown.

The area from the edge of the traveled way to the proposed SHA-Concrete curb and within the entrance to the proposed R/W line must be paved to meet SHA standard.

All work within the SHA R/W must be through permit and it is requested the plan be revised prior to a hearing date being set. CL/GW/es

My telephone number is 301-659-1350 Teletyp swriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

Mr. N. Commodari Page 2 January 18, 1985

Very truly yours,

Charles Lee, Chief Bureau of Engr. Access Permits

by: George Wittman

enc.

CC: Mr. J. Ogle

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204 NORMAN E. GERBER DIRECTOR

The first of the second of the second

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Jablon:

2/8/85

Re: Zoning Advisory Meeting of 1/9/85
Item # 185
Property Owner: Andy Hill
Location: NIWIC North Point Rd. + New Bettle Grove Rd.

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are)There are no site planning factors requiring comment.

(X)A County Review Group Meeting is required.

)A County Review Group meeting was held and the minutes will be A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.
 This site is part of a larger tract; therfore it is defined as a subdivision. The plan must show the entire tract.
 A record plat will be required and must be recorded prior to issuance of a building permit.
 The access is not satisfactory.
 The circulation on this site is not satisfactory.
 The parking arrangement is not satisfactory.
 Parking calculations must be shown on the plan.
 This property contains soils which are defined as wetlands.)This property contains soils which are defined as wetlands, and development on these soils is prohibited.)Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.

Development of this site may constitute a potential conflict with the Rallimore County Master 21the Baltimore County Master Plan.
)The amended Davelopment Plan was approved by the Planning Board

 (X)Landscaping: Must comply with Baltimore County Landscape Manual.
 (The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.

(X) Additional comments:
This site is located on the Champacke Bag Cotical Area
Lis subject to environmental evaluation. Additional Comment
will be additional by Comprehensive Planning Division.

Eugene A. Bober Chief, Current Planning and Development

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

MR. ARNOLD JABLON TO Zoning Commissioner Date___February 13, 1985 NORMAN E. GERBER, Director FROM Office of Planning and Zoning

Chesapeake Bay Critical Area Comments, SUBJECT Petition for S.E. and Variance, Item #185, Andy Hill

This petition is not consistent with the requirements of the Chesapeake Bay Critical Area Program. The increase in imper-vious surfaces will create increased water runoff and pollutant loadings from the site. Mitigation practices resulting in no increase over present runoff quantities are necessary.

NEG:PJS:vh

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Norman E. Gerber Director of Planning and Zoning

cy: Robert W. Marriott, Jr. Deputy Director of Planning Andrea Van Arsdale Coastal Zone Planner James G. Hoswell Planner

Department of Health

Colin K. Thacker

People's Counsel

FEB 20 AM zoning department

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204

STEPHEN E. COLLINS DIRECTOR

February 8, 1985

Mr. Ar.old Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

> Item No. 185 -ZAC- Meeting of January 9, 1985 Property Owner: Andy Hill Location: N/W Corner North Point Road and New Battle Grove Road Existing Zoning: M.L.-CS1 - M.L.-IM - B.R.-CS1 Proposed Zoning: Special exception for a service garage. Variance to allow a front yard setback of 9 feet in lieu of the required 25 feet and to allow a side yard setback of 7 feet in lieu of the required 30 feet.

Acres: District:

Dear Mr. Jablon:

The site plan should be revised for the following items.

1. The entrance to the site on North Point Road should be revised to meet the State Highway Administration's standards.

2. The entrance on New Battle Grove Road should be revised to meet County standards, i.e., a 24' wide entrance with 10' radius.

> Michael S. Flanigan Traffic Engineering Assoc. II

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE CHIEF

January 23, 1985

Mr. Arnold Jablon Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee

RE: Property Owner: Andy Hill

Location: N/W Corner N. Pt. Rd. and New Battle Grove Road Zoning Agenda: Meeting of 1/9/85 Item No.: 185

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

 (χ) l. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle nead end condition shown at

EXCEEDS the maximum allowed by the Pire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

 (χ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 *Life Safety Code*, 1976 Edition prior

Planning Group Special Inspection Division Fire Prevention Bure

	Family use group of an adjac construction, no openings pe required if construction is 1407 and Table 1402, also Se	ermitted within 3'0 of lot on the lot line, see Tabl	lines. A firewall is	
	F. Requested variance appears to Section/s		more County Building Code,	
	G. A change of occupancy shall application, and three requivill meet the Code requirement a professional seal.	red sets of drawings indi	cating how the structure	
	H. Before this office can comme thru the services of a Regis this office, that, the structan comply with the height/a struction classification of	tered in Maryland Archite ture for which a proposed wea requirements of Table	ot or Engineer certify to change in use is proposed	
	State Handicapped Cod	le. Motor vehicle r	ped parking space, as per the epair shops shall comply with le 309.2 for other Code	en citate e processo de la constitución de processo de constitución de constit
	strued as the i 'extent	Planning and Zoning and ar of any permit. If desiring Room 122 (Plans Review	re not intended to be con- red, additional information r) at lll W. Chesapeake Ave.,	
			Very truly yours, Unusly & Sumha	
	CEB:es		Charles E. Burnham, Chief Plans Review	The second secon
	•	P. 1.		
		Pebruary	20, 1985	
	RE: Petitio NW/corn	OF HEARII on for Special Excepter North Point Rd. : 065 North Point Road	tion & Variances and New Battle Grove	Andreas de la contra del la contra de la contra del la
	Andy Hi	11 - Petitioner . 85-251-XA	- ,	nerskenser år Stenstelle
T	'IME: 10:30 A.M.			A STATE OF THE STA
, D	ATE: Monday, March 18, 19	85		
P	LACE: Room 106, County C	office Building, 111	West Chesapeake	
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				ide de la companya de
				Andrew Ski
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		Zoning Compiles of Baltimore Co		
BALTIMORE COUN	ITY, MARYLAND			
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BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

Mr. Arnold Jablon, Zoning Commissioner Office of Plauming and Zoning

The items checked below are applicable:

Comments on Item # 185 Zoning Advisory Committee Meeting are as follows:

All structures shall conform to the Baltimore County Building Code 1981/Council Bill 4-82 State of Maryland Code for the Handicapped and Aged; and other appli-

miscellaneous

B. A building/ & other / permit shall be required before beginning construction.

C. Residential: Three sets of construction drawings are required to file a permit

D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

E. An exterior wall srected within 6'0 for Commercial uses or 3'0 for One & Two

application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

Location:
N/W Corner North Point Read and New Battle Grove Road
Existing Zoning:
M.L.-CS1-M.L.-IM B.R.-CS1
Proposed Zoning:
Special exception for a service garage. Variance to allow a front

yard setback of 9 feet in lieu of the required 25 feet and to allow a side yard setback of 7 feet in lieu of the required 30 feet.

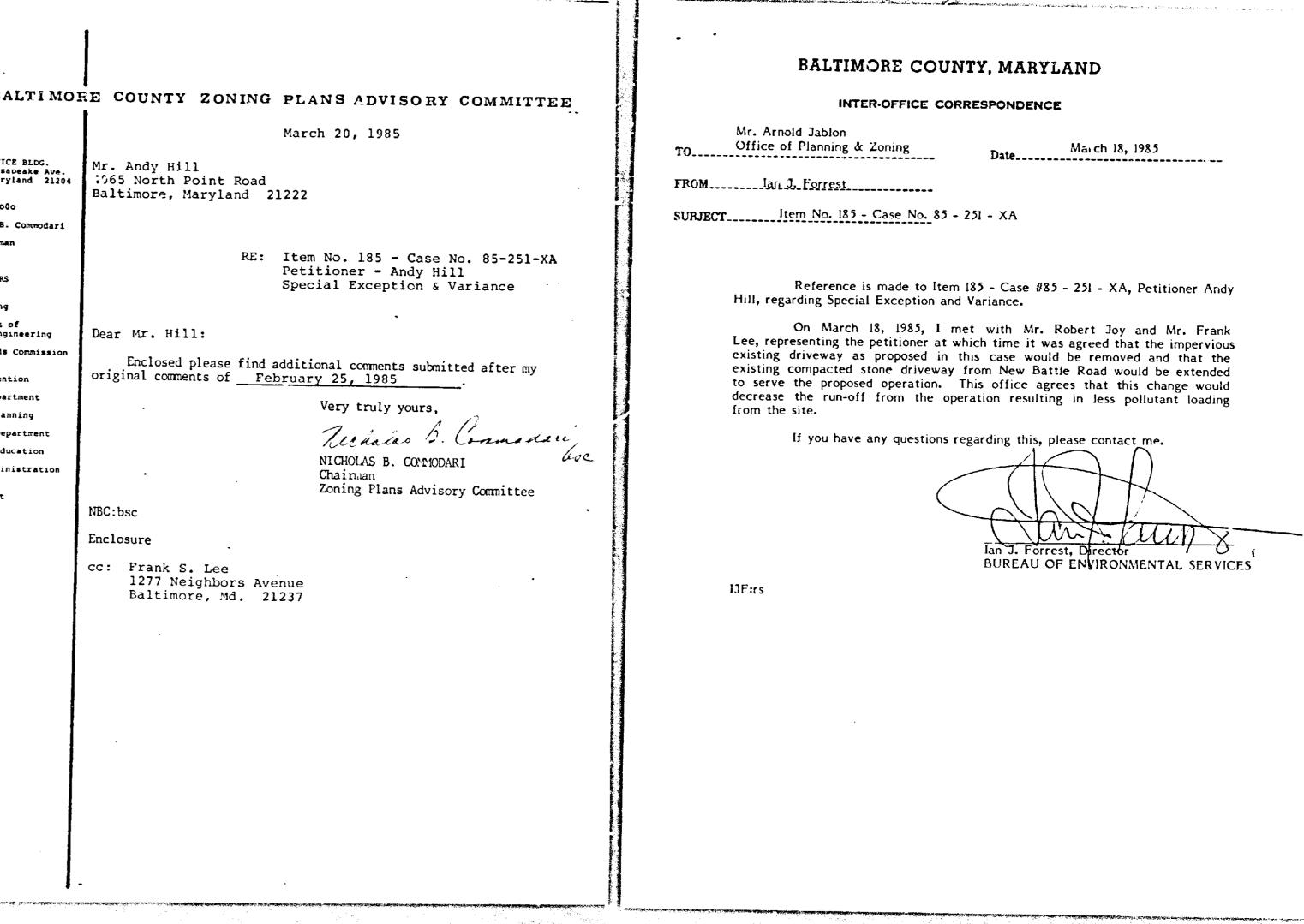
TED ZAIESK!, JR. DIRECTOR

County Office Building Towson, Maryland 21204

January 17, 1985

	O	
RE:	PETITION FOR SPECIAL PETITION FOR VARIANCE NW Corner of North Po New Battle Grove Rd. Point Rd.), 15th Dist	int Rd. & : OF BALTIMORE COUNTY {4065 North
	ANDY HILL, Petitioner	: Case No. 85-251-XA
		::::::
		ENTRY OF APPEARANCE
	Please enter the	appearance of the People's Counsel in the
abov	e-captioned matter. N	otices should be sent of any hearing dates or
othe	r proceedings in this m	matter and of the passage of any preliminary
or f	inal Order.	
	e foregoing Entry of A	Phyllis Cole Friedman People's Counsel for Baltimore County Peter Max Zimmerman Deputy People's Counsel Rm. 223, Court House Towson, MD 21204 494-2188 that on this 5th day of March, 1985, a copy ppearance was mailed to Mr. Andy Hill, 4065 MD 21222, Petitioner. Peter Max Zimmerman Peter Max Zimmerman

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	<u>}</u>
BALTI MO	RE COUNTY ZONING PLANS ADVISORY COMMITTEE
	March 20, 1985
COUPTY OFFICE BLDG. 11) W. Chesapeake Ave. Towson, Maryland 21204	Mr. Andy Hill :065 North Point Road Baltimore, Maryland 21222
000	j
Nicholas B. Commodari	
Chairman MEMBERS	RE: Item No. 185 - Case No. 85-251-XA Petitioner - Andy Hill Special Exception & Variance
Bureau of Engineering	
Department of Traffic Engineering	Dear Mr. Hill:
State Roads Commission	Enclosed please find additional comments submitted after my
. Bureau of Fire Prevention	original comments of February 25, 1985
Health Department	· Very truly yours,
Project Planning Building Department	
Board of Education	Micholas B. Commodari
Zoning Administration	NICHOLAS B. COMMODARI Chaindan
Industrial Development	Zoning Plans Advisory Committee
·	NBC:bsc ·
•	Enclosure
	cc: Frank S. Lee 1277 Neighbors Avenue Baltimore, Md. 21237
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ZONII	CERTIFICATE OF POSTING NG DEPARTMENT OF BALTIMORE COUNTY \$5-251- X A Tower, Maryland
District 1524	Naco tion of Maxings
Petitioner: Andy Hill	
Location of property: A W for	orner No. Burt Add Now Rathebroke P.
	4065 No. Point Pd.
Location of Signs: Facing	No. FT Pd., Approx. 10' From rood way
on proporty of	petition or
Remarks:	
Signature Number of Signs: 2	Date of return: 3/8/75-
	0 85-251-XA
	CERTIFICATE OF PUBLICATION
PETITION FOR SPECIAL EXCEPTION AND VARIANCES	TOWSON, MD., February 28 19 85
15th Election District OCATION: Northwest corner North Point	THIS IS TO CERTIFY, that the annexed advertisement was
Battle Grove Road (4065)	published in THE JEFFERSONIAN, a weekly newspaper printed
DATE AND TIME: Monday, March 18, 1985 at 10:30 A.M. PUBLIC HEARING: Room	
106, County Office Building. 111 W. Chesapeake Avenue. Towson, Maryland	and published in Towson, Baltimore County, Md., appearing or February 28 , 19 85
The Zoning Commissioner of Baltimore County, by authority of the Zoning	19
lations of Baltimore County will hold a public hearing: Potition for Special Excep- tion for a service garage and Variances to allow	THE JEFFERSONIAN,

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Itied with the Zoning Office.

In the event that these Petitions are granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuence of and permit during this period for good cause shows. Such request must be received is writing by the date of the hearing by the date of the hearing are above of made at the hearing.

By Order Of ARNOLD JABLON Zoning Commissioner of Baltimore County

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21 7:22	en distribution	CERTIFICATE OF PUBLICATION			
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<i>(</i> 5		Dundalk	MD.,3/	1985	
	- Victoria	1	•	nnexed advertisement	
***********		was published in	THE BALTIMORE (COUNTY JOURNAL, a	
P)		weekly newspaper,	published in Dund	alk, Baltimore County,	
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LEGAL . NOTICE .. LOCATION: No thirest corner North Point Road and New Battle Grove Road (4065 North Point Road) DATE AND TIME: Monday, March 18. 1985 at 10:30 A M PUBLIC NEARING: Room 106, County Office Building, 111 W. Chesapealu Avenue, Towson, Maryland The Zoning Commissioner of Bate more County, by authority of the Zonin Act, and Regulations of Batismore County, will hold a public hearing. Petrion 1 or Special Exception for service garage and Vernances to allow front yard setback of 9 leet in lieu of the required. 25 feet and a side yard set back of 7 feet in lieu of the recuired 36 feet. Being the property of Andy Hill, as shown on plat plan filed with the Zoning Office. In the e-sent that these Petitions are granted, a building permit may be issued within the trurty (3t) day appearance. The Zoning Commissioner will however, entertain any request for a stay of the issuance of said permit during this period for good cause shown such request must be received in writing by the date of thichearing set above or made at the hearing.

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353 ARNOLD JABLON ZONING COMMISSIONER March 13, 1985 Mr. Andy Hill 4065 North Point Road Baltimore, Maryland 21222 RE: Petition for Special Exception and Variances NW/cor. North Point Rd. & New Battle Grove Rd. (4065 North Point Road) Case No. 85-251-XA Dear Mr. Hill: This is to advise you that \$50.00 is due for advertising and posting of the above property. This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing. Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing. Sincerely, No. 004954 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION NOLDJABLON MISCELLANEOUS CASH RECEIPT ning Commissioner Sautesting See 4 15-281-A+ 3 B021+4****E01013 5104F VALIDATION OR SIGNATURE OF CASHIER The state of the s And the second s

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FRANK S. LEE

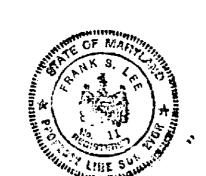
Registered Land Surveyor 1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

December 20, 1984

No. 4065 North Point Road 15th District Baltimore, County, Maryland

Beginning for the same at the corner formed by the intersection of the northwest side of New Battle Grove Road with the west side of North Point Road, thence running and binding on the northwest side of New Battle Grove Road South 48 degrees 47 minutes 23 seconds West 214.40 feet, thence leaving New Battle Grove Road for five lines of division as follows: North 41 degrees 12 minutes 26 seconds West 122.35 feet, North 56 degrees 46 minutes 24 seconds East 59.72 feet, North 41 degrees 12 minutes 26 seconds West 55 feet, North 48 degrees 00 minutes East 105 feet and North 88 degrees 52 minutes 30 seconds East 132.63 feet to the west side of North Point Road, a d thence running and binding on the west side of North Point Road by a line curving to the left with a radius of 721.25 feet for a distance of 100 feet to the place of begining.

> Containing 0.81 acres of land more or less. Save and except the ML CS1 and BR Cs1 areas.



PETITION FOR SPECIAL EXCEPTION AND VARIANCES

15th Election District

LOCATION: Northwest corner North Point Road and New Battle Grove Road (4065 North Point Road)

DATE AND TIME: Monday, March 18, 1985 at 10:30 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore Coun by authority of the Zoning Act and Regulations of Baltimore County, will hold public hearing:

Petition for Special Exception for a service garage and Variances to allow a front yard setback of 9 feet in lieu of the required 25 feet and a side yard setback of 7 feet in lieu of the required

Being the property of Andy Hill plan filed with the Zoning Office.

In the event that these Petitions are granted, a building permit may be issued within the thirty (30) day appeal period. the Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

> BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER



Valtimore County, Maryland PEOPLE'S COUNSEL RM. 223, COURT HOUSE TOWSON, MARYLAND 21204

494-2186

PHYLLIS COLE FRIEDMAN People's Counsel

PETER MAX ZIMMERMAN Deputy People's Counsel

4/1685

April 15, 1985

Robert E. Joy, Esquire 1301 Merritt Boulevard Baltimore, MD 21222

> RE: Andy Hill, Petitioner Zoning Case No. 85-251-XA

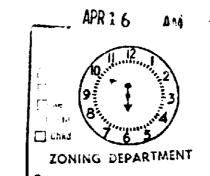
Dear Mr. Joy:

Please be advised that this office has determined not to file an appeal from the Zoning Commissioner's Order dated March 22, 1985 in the above-entitled case. The absence of an appeal does not, however, mean automatic approval of application for building permits. The approval or disapproval of any building permit application rests on separate legal authority, and we direct your attention to the comments contained in the Zoning Advisory Committee Report. We would also remind you that other County agencies are involved in the review of other permit applications separate and apart from the zoning determination.

Very truly yours,

Ta (muen Peter Max Zimmerman Deputy People's Counsel

cc: Nicholas Commodari, Zoning Office Gene L. Neff, Dept. of Public Works Ian J. Forrest, Director, Environmental Services, Health Dept. Colin K. Thacker, R.S., Director, Waste & Water Quality Mgt.



IN RE: PETITIONS SPECIAL EXCEPTION AND ZONING VARIANCES NW/corner of North Point Road * and New Battle Grove Road (4065 North Point Road) -15th Election District

Andy Hill,

Case No. 85-251-XA

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Petitioner

. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a service garage and variances to permit a front yard setback of 9 feet instead of the required 25 feet and a side yard setback of 7 feet instead of the required 30 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and was represented by Counsel. Frank Lee, a registered land surveyor, appeared and testified on behalf of the Petitioner. Also appearing in support of the Petitioner was Joseph Zairenka, an adjoining property owner. There were no Protestants.

Testimony indicated that the subject property is presently divided into three zoning classifications. The portion of the property improved with the Petitioner's residence and on which the 30' x 50' 5-bay service garage is proposed is zoned M.L.-I.M. The remainder of the property is zoned M.L.-C.S-1 and B.R.-

The property is located on the corner of Old North Point and New Battle Grove pads and is surrounded by both commercial and industrial uses. The service Page is proposed for the northwestern portion of the property with access from W Battle Grove Road. A concrete driveway traverses the property from Old North point Road, but it will be closed and literally removed with the land reclaim as part of the lawn area surrounding the house.

The sole purpose of the service garage is to allow the Petitioner to change the tires, oil, and/or batteries of the trucks used in his sanitation business.

He will stock the necessary batteries, filters, and other accessory parts and there will be no major automotive repairs. The trucks will not be stored on the site and the garage will not be open to the public. Since the front of the building will face Old North Point Road, the requested variances are required.

The Petitioner seeks relief from Section 253.2.B.3, pursuant to Section 502.1, Baltimore County Zoning Regulations (BCZR), and from Section 255.1 (238.1 and 2), pursuant to Section 307, BCZR.

It is clear that the BCZR permit the use requested by the Petitioner in a M.L. Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions, as more fully described below.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances of the use proposed by the Petitioner do not show that the proposed use at the parlocation described by Petitioner's Exhibit 1 would have any adverse impact pove and beyond that inherently associated with such a special exception use in respective of its location within the zone. Schultz v. Pritts, 432 A.2d

e proposed use will not be detrimental to the health, safety, or general of the locality, nor tend to create congestion in roads, streets, or therein, nor be inconsistent with the purposes of the property's zoning

classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- 1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addion, the variances requested will not be detrimental to the public health,

safety and general welfare. rsuant to the advertisement, posting of property, and public hearing and it appearing that by reason of the requirements of Section 502.1 having been mot and the health, safety, and general welfare of the community not being adversely affected, the special exception and variances should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of March, 1985, that the Petition for Special Exception for a service garage and, additionally, the Petition for Zoning Variances to permit a front yard setback of 9 feet instead of the required 25 feet and a side yard setback of 7 feet instead of the required 30 feet be and the same are hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief herein granted:

- 1. The Petitioner shall obtain a letter from the State Highway Administration, Maryland Department of Transportation, for the Zoning Commissioner indicating that the proposed project satisfies the concerns expressed in its January 18, 1985 comments to the Zoning Commis-
- 2. Use of the garage shall be solely for the Petitioner's business as described above.
- 3. Approval by the County Review Group (CRG) for compliance with the Critical Area legislation; if the CRG grants a waiver, a letter indicating compliance shall be submitted to the Zoning Commissioner for approval.
- 4. If the Department of Health and the Office of Planning determine that a crusher run surface would be better suited for the subject site than an impermeable surface, no further hearing will be required; however, a revised site plan indicating same must be submitted to the Zoning Commissioner for approval. The crusher run surface must comply with the requirements set forth in Section 10.03.38F6, COMAR.

